

**STATE OF SOUTH CAROLINA****(Caption of Case)****IN RE:**

Happy Rabbit, LP on Behalf of,

Windridge Townhomes, Complainant,

v.

Alpine Utilities, Inc., Respondent

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA****COVER SHEET****DOCKET****NUMBER:** 2008 - 360 - S

(Please type or print)

**Submitted by:** Richard L. Whitt**SC Bar Number:** 62895**Address:** Austin & Rogers, P.A.**Telephone:** 803-251-7442508 Hampton Street, Suite 300**Fax:** 803-252-3679Columbia, South Carolina 29201**Other:** 803-256-4000**Email:** rlwhitt@alrlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)☐ **Emergency Relief demanded in petition**☒ **Request for item to be placed on Commission's Agenda expeditiously****Other:** \_\_\_\_\_**INDUSTRY (Check one)****NATURE OF ACTION (Check all that apply)**

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Electric                    | <input type="checkbox"/> Affidavit of Publication  | <input type="checkbox"/> Letter                            | <input type="checkbox"/> Request                |
| <input type="checkbox"/> Electric/Gas                | <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certifica  |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigat |
| <input type="checkbox"/> Electric/Water              | <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement       |
| <input type="checkbox"/> Electric/Water/Telecom.     | <input type="checkbox"/> Application               | <input checked="" type="checkbox"/> Petition               | <input type="checkbox"/> Resale Amendment       |
| <input type="checkbox"/> Electric/Water/Sewer        | <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter     |
| <input type="checkbox"/> Gas                         | <input type="checkbox"/> Certification of Mailing  | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response               |
| <input type="checkbox"/> Railroad                    | <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discove    |
| <input checked="" type="checkbox"/> Sewer            | <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition     |
| <input type="checkbox"/> Telecommunications          | <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation            |
| <input type="checkbox"/> Transportation              | <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Return                            | <input type="checkbox"/> Subpoena               |
| <input type="checkbox"/> Water                       | <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                 |
| <input type="checkbox"/> Water/Sewer                 | <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other                  |
| <input type="checkbox"/> Administrative Matter       | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |   |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |   |
|  | <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |   |

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2008-360-S**

IN RE:	)	
Happy Rabbit, LP on Behalf of,	)	
Windridge Townhomes,	)	
	)	
Complainant,	)	<b>COMPLAINANTS'</b>
	)	<b>PETITION FOR</b>
v.	)	<b>CLARIFICATION/ALTERNATIVE</b>
	)	<b>RELIEF</b>
Alpine Utilities, Inc.,	)	
Respondent.	)	
_____	)	

**INTRODUCTION**

Happy Rabbit, a South Carolina Limited Partnership, on behalf of Windridge Townhomes, (hereinafter, "Happy Rabbit") filed a Complaint against Alpine Utilities, Inc., (hereinafter, "Alpine") in this Docket on September 16, 2008. Thereafter, Carolyn L. Cook, (hereinafter, "Mrs. Cook") also filed a Complaint against Alpine, which Complaint remains undocketed at this writing. The Public Service Commission of South Carolina, (hereinafter, "Commission"), issued its oral decision on Wednesday, April 22, 2009, on both Complaints, ruling *inter alia*, that both Complaints should be dismissed without prejudice. Complainants seek clarification of that decision and/or alternative relief pursuant to R. 103-825, "**Petitions may be submitted to the Commission for any relief**", other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority." (emphasis supplied) Complainant's Petition for Clarification/Alternative Relief follows:

**PETITION FOR CLARIFICATION**

Issue No. 1:

In the interest of judicial economy, and lessening of expense to the parties, Complainants request that the Commission's Order, when issued in this matter, declare that all discovery and pleadings filed to date by both parties, of every type and kind, is preserved for use when the Docket is reactivated.

Issue No. 2:

Complainants would also request clarification that the Commission's dismissal without prejudice would continue the protection for Complainants of R. 103-538 (B), "...Service shall not be discontinued if the complainant requests in writing a hearing before the commission," while the parties are litigating in Circuit Court.

**PETITION FOR ALTERNATIVE RELIEF**

In the event that this Commission inquires into this matter and determines that relief sought by Complainants in Issue No. 1 and Issue No. 2 hereinabove, cannot be granted pursuant to a dismissal without prejudice, **Complainants request that this Commission instead hold each Complaint in abeyance pending the outcome of litigation in Circuit Court.**

**CONCLUSION**

Based on the files of this Docket, and the foregoing, Complainants request that this Commission either:

Issue an Order consistent with Issue No. 1 hereinabove (preservation of all discovery and pleadings filed to date by both parties, of every type and kind, be preserved for use when the Docket is reactivated) and Issue No. 2 hereinabove (continue the protection for Complainant Happy Rabbit of R. 103-538 (B), **or**

Issue an Order consistent with Issue No. 1 hereinabove (preservation of all discovery and pleadings filed to date by both parties, of every type and kind, be preserved for use when the Docket is reactivated) and Issue No. 2 hereinabove (continue the protection for Complainant Happy Rabbit of R. 103-538 (B), by holding the Docket and the two Complaints in abeyance, pending the outcome of litigation in Circuit Court.

If this Commission issues an Order, consistent with the relief sought hereinabove, Complainants' commit to neither seek reconsideration, nor appeal the Order of this Commission, which will result in judicial economy for the Commission and a lessening of expense for the parties.

**AUSTIN & ROGERS, PA**

\_\_\_\_\_/s/\_\_\_\_\_  
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Attorneys for Complainants

Columbia, South Carolina

RLW/jjy  
April 22, 2009



**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2008-360-S**

IN RE:

Happy Rabbit, LP on Behalf of,  
Windridge Townhomes,  
  
Complainant,  
v.  
Alpine Utilities, Inc.,  
Respondent


**CERTIFICATE OF SERVICE**

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I caused to be delivered a copy of Happy Rabbit's Petition for Clarification/Alternate Relief in the above referenced matter as indicated below, via U.S. Mails as addressed below, with proper postage affixed thereto, or e-mail on April 22, 2009.

Attorney Benjamin P. Mustian  
930 Richland Street  
Columbia S.C., 29201  
**Via e-mail and U.S. Mails**

Nanette S. Edwards, Esquire  
**Via e-mail**

Austin & Rogers, P.A.

  
Jessica Yun

Columbia, South Carolina  
April 22, 2009